

BRANDON FERNALD  
Brandon.fernald@fernaldlawgroup.com  
FERNALD LAW GROUP LLP  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
510 W 6th Street, Suite 700  
Los Angeles, California 90014  
T:323.410.0320 | F:323.410.0330 | C:323.842.7473

DAVID A. SKEELS (admitted *pro hac vice*)  
skeels@fsclaw.com  
JONATHAN T. SUDER (admitted *pro hac vice*)  
jts@fsclaw.com  
FRIEDMAN, SUDER & COOKE  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, TX 76102  
T: 817-334-0400  
F: 817-334-0401

Attorneys for Plaintiff  
PROGRESSIVE SEMICONDUCTOR SOLUTIONS LLC

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

PROGRESSIVE SEMICONDUCTOR  
SOLUTIONS LLC,

Plaintiff,

vs.

QUALCOMM TECHNOLOGIES,  
INC. and MARVELL  
SEMICONDUCTOR, INC.

Defendants.

CASE NO. 8:13-cv-1535 ODW (JEMx)

**FIRST AMENDED COMPLAINT FOR  
INFRINGEMENT OF U.S. PATENT  
NOS. 6,473,349 AND 6,862,208**

Jury Trial Demanded

Plaintiff PROGRESSIVE SEMICONDUCTOR SOLUTIONS LLC  
("Plaintiff") files this First Amended Complaint against Defendants QUALCOMM  
TECHNOLOGIES, INC. and MARVELL SEMICONDUCTOR, INC.  
("Defendants") alleging as follows:

**I. THE PARTIES**

1  
2 1. PROGRESSIVE SEMICONDUCTOR SOLUTIONS LLC  
3 (“Plaintiff”) is a Limited Liability Company organized and existing under the laws  
4 of the State of Texas, with a principal place of business in Plano, Texas.

5 2. Upon information and belief, Defendant QUALCOMM  
6 TECHNOLOGIES, INC. (“QUALCOMM”) is a Delaware corporation with a  
7 principal place of business in San Diego, CA. Defendant QUALCOMM may be  
8 served with Plaintiff’s First Amended Complaint by and through its attorney, Dave  
9 Nelson, of Quinn Emanuel located at 500 W. Madison, Suite 2450, Chicago, IL  
10 60661.

11 3. Upon information and belief, Defendant MARVELL  
12 SEMICONDUCTOR, INC. (“MARVELL”) is a California corporation with a  
13 principal place of business in Santa Clara, CA. Defendant MARVELL may be  
14 served with Plaintiff’s First Amended Complaint by and through its attorney, Steve  
15 Marshall, of Fish & Richardson P.C. located at 1425 K Street, NW, Suite 1100,  
16 Washington, DC 20005.

17  
18 **II. JURISDICTION AND VENUE**

19 4. This is an action for infringement of a United States patent. Federal  
20 question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§  
21 1331 and 1338(a).

22 5. Upon information and belief, Defendants have had minimum contacts  
23 with the Southern Division of the Central District of California such that this venue  
24 is fair and reasonable. Defendants have committed such purposeful acts and/or  
25 transactions in this district that they reasonably should know and expect that they  
26 could be haled into this Court as a consequence of such activity. Upon information  
27 and belief, Defendants have transacted and, at the time of the filing of this  
28

1 Complaint, are transacting business within the Southern Division of the Central  
2 District of California.

3 6. For these reasons, personal jurisdiction exists and venue is proper in  
4 this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### 5 **III. PATENT INFRINGEMENT**

6 7. On October 29, 2002, United States Patent No. 6,473,349 (“the ‘349  
7 Patent”) was duly and legally issued for “CASCODE SENSE AMP AND  
8 COLUMN SELECT CIRCUIT AND METHOD OF OPERATION.” A true and  
9 correct copy of the ‘349 Patent is attached hereto as Exhibit “A” and made a part  
10 hereof.

11 8. On March 1, 2005, United States Patent No. 6,862,208 (“the ‘208  
12 Patent”) was duly and legally issued for “MEMORY DEVICE WITH SENSE  
13 AMPLIFIER AND SELF-TIMED LATCH.” A true and correct copy of the ‘208  
14 Patent is attached hereto as Exhibit “B” and made a part hereof.

15 9. The ‘349 and ‘208 Patents are referred to collectively as the “Patents-  
16 in-Suit.”

17 10. By way of assignment, Plaintiff is the owner of all right, title and  
18 interest in and to the Patents-in-Suit, with all rights to enforce them against  
19 infringers and to collect damages for all relevant times, including the right to  
20 prosecute this action.

21 11. Upon information and belief, Defendants manufacture, make, have  
22 made, import, have imported, market, sell and/or use products and/or systems that  
23 infringe one or more claims of the Patents-in-Suit.

24 12. On information and belief, Defendant QUALCOMM, without  
25 authority, consent, right, or license, and in direct infringement of the Patents-in-  
26 Suit, manufactures, uses, sells, imports, and/or offers for sale systems and/or  
27 products directly infringing one or more claims of the Patents-in-Suit. By way of  
28

1 example only, its MSM8960 chip directly infringes at least claim 1 of the '349  
2 Patent, and at least claim 1 of the '208 Patent.

3 13. On information and belief, Defendant MARVELL, without authority,  
4 consent, right, or license, and in direct infringement of the Patents-in-Suit,  
5 manufactures, uses, sells, imports, and/or offers for sale systems and/or products  
6 directly infringing one or more claims of the Patents-in-Suit. By way of example  
7 only, its 88W8686 chip directly infringes at least claim 1 of the '349 Patent, and at  
8 least claim 1 of the '208 Patent.

9 14. Plaintiff reserves the right to assert additional claims of the Patents-in-  
10 Suit and reserves the right to assert additional patents.

11 15. Plaintiff has been damaged as a result of Defendants' infringing  
12 conduct. Defendants are, thus, liable to Plaintiff in an amount that adequately  
13 compensates for their infringement, which, by law, cannot be less than a  
14 reasonable royalty, together with interest and costs as fixed by this Court under 35  
15 U.S.C. § 284.

16 16. Upon information and belief, Defendants will continue their  
17 infringement of the Patents-in-Suit unless enjoined by the Court. Defendants'  
18 infringing conduct has caused Plaintiff irreparable harm and will continue to cause  
19 such harm without the issuance of an injunction.

#### 20 **IV. JURY DEMAND**

21 Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal  
22 Rules of Civil Procedure.

#### 23 **V. PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff respectfully requests that the Court find in its favor  
25 and against Defendants, and that the Court grant Plaintiff the following relief:

- 26 a. Judgment that one or more claims of the Patents-in-Suit have been  
27 infringed, either literally and/or under the doctrine of equivalents, by  
28 Defendants;

- 1           b.     Judgment that Defendants account for and pay to Plaintiff all damages  
2                 to and costs incurred by Plaintiff because of Defendants' infringing  
3                 activities and other conduct complained of herein;
- 4           c.     That Defendants' infringement be found to be willful from the time  
5                 Defendants became aware of the infringing nature of its services,  
6                 which is the time of filing of Plaintiff's Original Complaint at the  
7                 latest, and that the Court award treble damages for the period of such  
8                 willful infringement pursuant to 35 U.S.C. § 284.
- 9           d.     That Plaintiff be granted pre-judgment and post-judgment interest on  
10                the damages caused by Defendants' infringing activities and other  
11                conduct complained of herein;
- 12          e.     That the Court declare this an exceptional case and award Plaintiff its  
13                reasonable attorney's fees and costs in accordance with 35 U.S.C. §  
14                285;
- 15          f.     That Defendants be permanently enjoined from any further activity or  
16                conduct that infringes one or more claims of the Patents-in-Suit; and
- 17          g.     That Plaintiff be granted such other and further relief as the Court may  
18                deem just and proper under the circumstances.
- 19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 DATED: November 19, 2013.

FRIEDMAN, SUDER & COOKE

2  
3 By: /s/ David A. Skeels

4 State Bar No. 24041925

5 Jonathan T. Suder

6 State Bar No. 19463350

FRIEDMAN, SUDER & COOKE

7 Tindall Square Warehouse No. 1

8 604 East 4th Street, Suite 200

9 Fort Worth, Texas 76102

(817) 334-0400

10 Fax (817) 334-0401

[jts@fsclaw.com](mailto:jts@fsclaw.com)

[skeels@fsclaw.com](mailto:skeels@fsclaw.com)

11 Attorneys for Plaintiff,

12 Progressive Semiconductor Solutions LLC

13  
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the 19th day of November, 2013, I electronically  
16 filed the foregoing document with the clerk of the court for the U.S. District Court,  
17 Central District of California, Western Division, using the electronic case filing  
18 system of the court. The electronic case filing system sent a "Notice of Electronic  
19 Filing" to the attorneys of record who have consented in writing to accept this  
20 Notice as service of this document by electronic means. Any attorneys of record  
21 who are not noticed via the electronic case filing system have been served this  
22 document via email pursuant to their written consent to me.

23  
24  
25  
26  
27  
28 /s/ David A. Skeels